

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YEGUANG SUN,

Plaintiff,

v.

ALEJANDRO MAYORKAS et al.,

Defendants.

CASE NO. 2:23-cv-00863-LK

ORDER GRANTING MOTION TO
STAY

This matter comes before the Court on Defendants’ Status Report and Motion to Stay, which provides an update on the status of this Administrative Procedure Act case and seeks to stay the matter until May 9, 2024 while U.S. Citizenship and Immigration Services (“USCIS”) adjudicates Plaintiff Yeguang Sun’s asylum application. *See generally* Dkt. No. 12.

On August 17, 2023, United States Magistrate Judge Michelle L. Peterson granted the parties’ stipulated motion to hold the case in abeyance and ordered the parties to file a joint status report by December 19, 2023. Dkt. No. 8 at 3. Although counsel for the Government attempted to contact Mr. Sun multiple times by email and mail regarding continuing the stay and filing the joint status report, Mr. Sun has not responded or filed anything with the Court since the parties’ August

1 16, 2023 stipulated motion. Dkt. No. 6; Dkt. No. 14 at 2–3. Mr. Sun is reminded that he is required
2 to comply with the Court’s orders and rules and further noncompliance may result in the imposition
3 of sanctions up to and including dismissal. *Muñoz v. United States*, 28 F.4th 973, 978 (9th Cir.
4 2022) (pro se parties “are subject to the same procedural requirements as other litigants.”).

5 Defendants’ status report and supporting declaration indicate that Mr. Sun’s asylum
6 interview was originally scheduled for August 22, 2023, but it was rescheduled for January 10,
7 2024 at Mr. Sun’s request. Dkt. No. 13 at 1–2. USCIS “agrees to diligently work towards
8 completing adjudication of the asylum application within 120 days of completion of [his] asylum
9 interview, absent unforeseen or exceptional circumstances that would require additional time to
10 complete adjudication.” *Id.* at 2. Defendants request that the Court stay the matter in the interim
11 because once Mr. Sun’s asylum application is adjudicated, his claim will be resolved and this case
12 will be moot. Dkt. No. 12 at 2.

13 “[T]he power to stay proceedings is incidental to the power inherent in every court to
14 control the disposition of the causes on its docket with economy of time and effort for itself, for
15 counsel, and for litigants.” *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936). The Court “may
16 order a stay of the action pursuant to its power to control its docket and calendar and to provide
17 for a just determination of the cases pending before it.” *Leyva v. Certified Grocers of Cal., Ltd.*,
18 593 F.2d 857, 864 (9th Cir. 1979). In considering whether to grant a stay, courts consider several
19 factors, including:

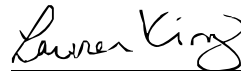
20 the possible damage which may result from the granting of a stay, the hardship or
21 inequity which a party may suffer in being required to go forward, and the orderly
22 course of justice measured in terms of the simplifying or complicating of issues,
proof, and questions of law which could be expected to result from a stay.

23 *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). Mr. Sun has not responded to the motion
24 to stay, which the Court construes as an admission that the motion has merit. LCR 7(b)(2).

1 Regardless, it does not appear that any damage, hardship, or inequity will result from the requested
2 stay or that any questions of law will arise as a result of a stay. In addition, granting a stay will
3 promote the orderly course of justice and preserve the parties' and the Court's resources.

4 For the foregoing reasons, the Court GRANTS Defendants' unopposed motion to stay, Dkt.
5 No. 12, STAYS this case until May 9, 2024, and ORDERS the parties to submit a joint status
6 report on or before May 10, 2024.

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8 Dated this 8th day of January, 2024.

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Lauren King
11 United States District Judge
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